

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
March 26, 2013**

**1. Present**

**Commissioners:**

Bill Taylor, Chair  
Carter Morris, Vice Chair  
Curtis Seebeck  
Chris Wood  
Kenneth Ehlers  
Randy Bryan  
Travis Kelsey  
Corey Carothers  
Angie Ramirez

**City Staff:**

Matthew Lewis, Development Services Director  
Kristy Stark, Development Services Assistant Director  
Roxanne Nemcik, Assistant City Attorney  
Francis Serna, Recording Secretary  
John Foreman, Planning Manager  
Amanda Hernandez, Senior Planner  
Alison Brake, Planner  
Emily Koller, Planner

**Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:00 p.m. on Tuesday March 26, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**Chairperson's Opening Remarks.**

Chair Taylor welcomed the audience and viewers.

**3. Election of Officers**

Bill Taylor was elected Planning and Zoning Commissioner Chair. Carter Morris was elected as Planning and Zoning Commission Vice Chair.

***NOTE:*** The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.

#### **4. 30 Minute Citizen Comment Period**

Donna Hill, resident of 730 Belvin and the Steering Committee Vice Chair spoke in support of the Comprehensive Master Plan. She gave an overview of meetings and agendas of the Comprehensive Master Plan. She added that the Chair and Vice Chairs have been meeting with staff every Wednesday prior to the Wednesday night Committee meeting to discuss issues and the agenda. Ms. Hill explained that they have met twice at the direction of the Commission and have tried to resolve the concerns and comments of the Planning Commission. Ms. Hill asked the Commission for their support of the Comprehensive Master Plan.

Thomas Rhodes, ETR Development Consulting, 401 Dryden Lane, Buda Texas spoke on the Comprehensive Master Plan. He requested, on behalf of his clients, that the Commission consider expanding the maps that are included in the Comprehensive Plan to the west side of town to include the Lazy Oaks Ranch property as a low intensity preferred growth scenario. He explained that during the work on the Comp Plan that his client was also in negotiations with the city discussing a Development Agreement. He pointed out that the City Council approved the Development Agreement in early February. Mr. Rhodes stated he was available to answer questions.

Elena Duran, 1133 Lago Vista spoke in favor of the Gas Lamp District Project. She felt it is a quality project that the new Master Plan encourages. Ms. Duran stated that the Gas Lamp Development is a quality project and encouraged the Commission to approve the project.

Barrie Breed, President of SMABOR expressed the Boards sincere appreciation of the Citizen Advisory Committee, the Steering Committee and all city staff who worked very hard to provide the Comprehensive Master Plan. She explained that as Realtors and businesses associated with the real estate market that their future depends on the planning of the today. Ms. Breed said planning is crucial and hopes that they can move forward with everyone's different views and ideas in the true spirit of cooperation for the common goal of the future goal of San Marcos.

Sheran Seif, member of the San Marcos Arts Commission commended and thanked the Comprehensive Master Plan Committee members. Ms. Seif said the committees were very welcoming of the Arts Commission's view and made them feel a part of the comprehensive master plan process. She added that they hope that the Commission recommends the Comprehensive Plan to the City Council. Ms. Seif referred to memos provided to the Commission with amendments to the Master Plan. Ms. Seif stated she wants to make sure that the Commission is aware that the Arts Commission does fully support the compromise that was reached.

John David Carson offered his support of the Comprehensive Mater Plan. He explained that he has been actively involved in the process and wished to recognize the time and effort that everyone has spent on the Comprehensive Master Plan. Mr. Carson explained that at the end of last year there were many concerns about several aspects about visions, goals of the plan. He pointed out that not all the changes were incorporated but a great number have been. Mr. Carson stated that the document is strong document and thoroughly vetted by the community and provides a possibility of a better future for all stake holders involved. He encouraged the Commission to send a positive recommendation to City Council.

#### **Consent Agenda:**

#### **5. Consider the approval of the minutes from the Regular Meeting on March 12, 2013.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission voted six (6) for and zero (0) opposed to approve the minutes of the Regular Meeting on March 12, 2013. Commissioners Kelsey, Carothers and Morris abstained.

## **Public Hearings:**

**6. LUA-13-02 (San Marcos Unitarian Universalist Fellowship)** Hold a public hearing and consider a request by Dan Gibson, on behalf of San Marcos Unitarian Universalist Fellowship, for a Land Use Amendment from Low Density Residential (LDR) to Public (P) for a 2.01 acre tract described as Lot 1 of the Craddock Avenue Subdivision, located in the 1100 block of Craddock Avenue.

**7. ZC-13-04 (San Marcos Unitarian Universalist Fellowship)** Hold a public hearing and consider a request by Dan Gibson, on behalf of San Marcos Unitarian Universalist Fellowship, for a Zoning Change from Single-Family Residential (SF-6) to Public and Institutional (P) for a 2.01 acre tract described as Lot 1 of the Craddock Avenue Subdivision, located in the 1100 block of Craddock Avenue.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing for LUA-13-02 and ZC-13-04. Dan Gibson, Chair for the Grounds Committee for the Church, thanked Alison Brake, Staff Planner for her hard work on the project. Mr. Gibson pointed out the number of members present in support of the project. He explained that there are currently 60 members but are still growing. He mentioned that they did receive approval from City Council for the approval of the Dale Drive abandonment. Mr. Gibson added that the property has been replatted and consists of 2 acres. Mr. Gibson felt that the church will be in a good location. He explained that zoning request is because of the need for additional impervious cover so that people will not park in the street.

Robert Eby, 1007 Dale Drive stated that he is within the 200' buffer. Mr. Eby spoke in opposition to the request. He said when they bought their house it was because of the quiet neighborhood. Mr. Eby expressed concerns that the church will bring high volume of traffic to the neighborhood. He felt that it will not be a small community church. He added that they are also concerned with children safety. Mr. Eby stated that the city does not have anything to gain with the zoning change request. He felt that a zoning change is not beneficial to the neighborhood. He added that if the church is allowed in the new Master Plan allow the change, but do not change the zoning. Mr. Eby expressed concerns regarding future use of the building if the church does not succeed.

Janice McMain, 1609 Furman stated she lives across the street from the property requesting a zoning change. Ms. McMain spoke in opposition to the request. She felt the church needs to be on a bigger piece of property. She expressed safety concerns with the children in the neighborhood. She added that there are a lot of elderly people in the neighborhood. She felt traffic safety will also be an issue. She was also concerned with the future of the building.

Lisa Craddock, President of the San Marcos Unitarian Universalist Fellowship addressed neighbors' concerns. She said they do not intend to become a big church. She said the property is currently zoned to allow a church. Ms. Craddock explained that they are requesting to allow a church and a parking lot to accommodate their members. She mentioned that they are environmentally aware. Ms. Craddock said that they can be very good friends with the neighbors and feels that a church is a good asset to the neighborhood. Ms. Craddock asked for the Commissions support.

Ronald Romero resident on Allen Street spoke in opposition to the request. He stated that he has similar concerns with pedestrian safety and vehicle traffic.

Brian Ferguson, Minister of the San Marcos Unitarian Universalist Fellowship said he was present to support the request. He stated that he would like to address the neighborhood concerns. He explained that they also have many children members. Mr. Ferguson explained that they will have areas for children to play. He pointed out that the rezoning request is to address parking and accommodate the neighbors.

Frank Flauto, 111 Ridgeway Drive, President of the United Campus Ministry and have been associated with the Unitarian Church for about 20 years. He explained that the Unitarian Church has been wonderful and are concerned about the environment. He added that the increase in parking will be on Sunday and they have little activity during the week. Mr. Flauto stated that the neighbors do not have anything to fear from this group.

Jeannie Lewis said she was a member of the small group of people that founded the Church back in 1986. She stated that the Unitarian Churches tend to be small neighborhood churches. Ms. Lewis pointed out that they have been around for 25 years and assured the neighborhood that they are here to stay and be good neighbors.

Mark Haygood stated he is new to the church and is a Principal Musician. He felt that the members are sincere in addressing safety of the neighborhood. Mr. Haygood spoke in support of the request.

Sarah Wren stated she lives on Franklin and Girard. She stated that she one of the older citizen in the neighborhood who walk daily and is not in fear of the traffic.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Carothers the Commission voted five (5) in favor and four (4) opposed to approve LUA-13-02. Commissioners Ramirez, Taylor, Bryan and Wood dissenting.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted all in favor to approve ZC-13-04.

**8. ZC-11-29 (Gas Lamp District)** Hold a Public Hearing and consider a request by Bury + Partners, on behalf of Walton Texas LP for a Zoning Change from Future Development (FD) to Smart Code (SC) for a 495 +/- acre site out of John H. Yearby Survey, located at the Northwest corner of Old Bastrop Highway and Centerpoint Road.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Seebeck the Commission voted five (5) in favor and four (4) opposed to postpone ZC-11-29 until after the Council discussion on the development agreement. Commissioners Seebeck, Bryan, Taylor and Ramirez dissenting.

**9. WARRANT REQUEST (Gas Lamp District)** Hold a public hearing and consider a request for Bury + Partners, on behalf of Walton Texas LP. for 13 warrants that allow deviation from SmartCode (SC) Zoning for a 495 +/- acre site out of the John H. Yearby Survey located at the Northwest corner of Old Bastrop Highway and Centerpoint Road, as follows: 1. Section 5.12 – allow the second layer of the lot to be 12 feet vs. 20 feet required for up to 49% of the total number of single family lots in the project; 2. Section 5.9.4 – allow driveways to be 12 feet wide in the right-of-way vs. 12 feet wide in the first layer for up to 49% of the total number of single family lots in the project; 3. Table 3.6 – allow pipe, post, column and double column light poles in any T-Zone; 4. Table 1.3 – allow an atypical cross section for Arterial A; 5. Table 3.3– allow head-in parking for street section CS-80-54 vs. reverse angle required; 6. Table 3.3 – allow cross sections ST-50-26 & ST-50-28 in all T-Zones; 7. Table 1.3 – reduction of setbacks in T3 zone from 24 feet front and 12 feet all other to 10 feet front and 5 feet all other; 8. Table 1.3 – allow a reduction in the building height from 2 stories to 1 story for age restricted or nursing facilities; 9. Section 3.8.2 – allow a minimum of 30% commercial (office/retail) in T5 Zone vs. 15% retail and 15% office required; 10. Section 3.5.4 – permit the reservation of a childcare / elementary school lot for 2 years after the sale of the last single family or multi-family lot vs. up to five years after the sale of the last lot; 11. Section 3.5.4 – Allow one 8 acre lot to be reserved for an elementary school vs. one 3 acre site in each of the 2 pedestrian sheds as required; 12. Table 1.3 – allow a 25 acre apartment site to have an increased block perimeter of 2,400 feet vs. 2,000 feet required and allow this to be measured at private streets and pedestrian passages in addition to public streets as stated in code; 13. Table 1.3 – allow the multifamily sites to have lot widths based on the block perimeters from Warrant #12 vs. 196 feet maximum width required.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Carothers the Commission voted all in favor to postpone running concurrently with the zoning request, ZC-11-29, at the soonest possible meeting following Council action of the Public Improvement District Request.

**10. PC-12-29\_03 (Weatherford Subdivision)** Public Hearing and Consider a request by HMT Engineering, on behalf of Robert Theriot, Vikash Patel and Kishor Patel, for approval of a replat of Lot 13A, Weatherford Subdivision, establishing Lots 13A-1 and 13A-2, located near the intersection of South IH 35 and Wonder World Drive.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Kelsey the Commission voted all in favor to approve PC-12-29\_03.

**11. PDD-07-02(a) (McCarty Commons)** Hold a public hearing and discuss a request by SLF II - McCarty, L.P. for amendments to the existing Planned Development District for McCarty Commons, consisting of 259.52 acres more or less out of Cyrus Wickson Survey, Abstract 474, and the Nathaniel Hubbard Survey, Abstract 250, as originally approved by Ordinance 2008-41.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. Ocie Vest, Partner with Statford Land, Dallas Texas stated he was available to answer questions. There were no additional citizen comments and the public hearing was closed.

No action was taken.

**12. Comprehensive (Master) Plan.** Hold a Public Hearing and consider a recommendation to the City Council for adoption of the Final Draft of the Comprehensive (Master) Plan - Vision San Marcos: A River Runs Through Us - to guide the growth and development of the City of San Marcos.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Morris and a second by Commissioner Ehlers the Commission voted all in favor to approve the Comprehensive Master Plan with five text changes and the addition of Lazy Oaks Subdivision based on the development agreement which was approved by Council on all maps and to utilize the first option provided by Sherwood Bishop to update Goal 3, Objective 2 of Parks, Public Spaces and Facilities.

### **Non-Consent**

**13. Presentation from staff and discussion regarding Capital Improvement Plan (CIP).**

John Foreman, Planning Manager gave a brief overview and schedule of the Capital Improvement Plan.

### **14. Development Services Report**

Matthew Lewis, Development Services Director advised the Commission that staff will contact them regarding scheduling the Planning and Zoning Commission Retreat.

**15. Question and Answer Session with Press and Public.** *This is an opportunity for the press and public to ask questions related to items on this agenda.*


Jeff Kilpatrick, Walton Development Management stated he was very disappointed with tonight's outcome. He stated that they did not get a chance to speak and make any clarifications. Mr. Kilpatrick said he was available to answer questions.


Paul Bury explained that he understood and the zoning and the PID would get to Council at the same time. They said they cannot get the PID if they don't get the zoning.

**16. Adjourn.**

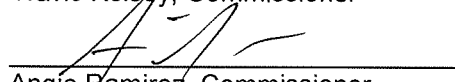
Chair Taylor adjourned the Planning and Zoning Commission at 8:14 p.m. on Tuesday, March 26, 2013.

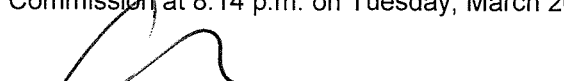
  
Bill Taylor, Chair

  
Curtis Seebeck, Commissioner

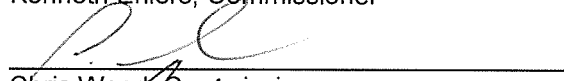
  
Randy Bryan, Commissioner

  
Travis Kelsey, Commissioner

  
Angie Ramirez, Commissioner


  
Carter Morris, Vice Chair

  
Kenneth Ehlers, Commissioner

  
Chris Wood, Commissioner

  
Corey Carothers, Commissioner

ATTEST:

  
Francis Serna, Recording Secretary